

PATENT  
Docket 23IDALEX5

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

JAN 11 2005

*Applicant:*  
V.S. Maisotsenko et al

*Art Unit:* 3743

*Application No.:* 10/619,529  
*Confirmation No:* 7480

*Examiner:* McKinnon, T.

*Filed:* 07/15/2003

*Title:* Evaporative Duplex Counterheat Exchanger

**Response**

Mail Stop Non-Fee Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the office action dated as mailed on 11/17/04, and having a period of response extending through and including 02/17/05, Applicants request reconsideration of the above identified application.

Applicants traverse the objection to claims 5-9, and the examiner's contention of "product by process claims," and the reference to MPEP 2113.

Claims 5-9 clearly recite a "method of using" which were written specifically in accordance with MPEP 821.04.

Accordingly, withdrawal of the objection to these claims is warranted and is requested.

**CERTIFICATE OF TRANSMISSION (37 CFR 1.8a and MPEP 512)**

I hereby certify that this 12-PAGE correspondence is being facsimile transmitted to the U.S. Patent and Trademark Office at Fax No. 703-872-9306 on the transmission date indicated below.

FRANCIS L. CONTE  
(Name of person transmitting paper)

(Signature of person transmitting paper)

11 January 2005  
(Date)